

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE HARRY JOHN SMITH,

Debtor.

Chapter Number: 7

ZACHARY MICHAEL MARTIN,

Plaintiff,

v.

HARRY JOHN SMITH,

Defendant.

Case No. 19-47617-mlo

Hon. Maria L. Oxholm

Adv. Pro. No. 19-04232-mlo

ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Zachary Michael Martin ("Plaintiff"), by and through Attorney Kyle J. Bristow, filed Plaintiff's Motion for Summary Judgment (ECF Doc. 33) on November 29, 2019, against Harry John Smith ("Defendant"). After considering Plaintiff's Motion, Defendant's Response (ECF No. 41), and Plaintiff's Reply (ECF No. 42), and the arguments of the Parties made on the record on January 23, 2020, for the reasons set forth on the record said date:

1. **IT IS HEREBY ORDERED** that Plaintiff's motion is granted pursuant to FRCP 56, as there is no genuine issue of material fact that Defendant caused a willful and malicious injury to the Plaintiff under 11 U.S.C. § 523(a)(6).

2. **IT IS FURTHER ORDERED** that the automatic stay imposed for purposes of *Zachary Michael Martin v. Harry John Smith*, Case No. 19-004999-NO at the State of Michigan's Third

Judicial Circuit Court is lifted. As such, the parties may litigate their claims and counterclaims in the state court.

IT IS SO ORDERED.

Signed on January 24, 2020



/s/ Maria L. Oxholm

**Maria L. Oxholm
United States Bankruptcy Judge**